

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GARY SUOJA, individually and as
special administrator for the estate
of Oswald F. Suoja,

Plaintiff,

v.

OWENS-ILLINOIS, INC.,

Defendant.

ORDER

99-cv-475-bbc

BARBARA CONNELL, individually and
as special administrator for the estate of
Daniel Connell,

Plaintiff,

v.

OWENS-ILLINOIS, INC.,

Defendant.

ORDER

05-cv-219-bbc

In both of these cases, the plaintiff seeks to recover damages for exposure to asbestos. Trials are scheduled for later this year. Now before the court are several motions filed by defendant Owens-Illinois, Inc. in both cases related to evidence that may be offered at trial. In particular, defendant seeks to exclude (1) expert testimony related to the theory that “any

exposure” to asbestos, no matter how slight, could have caused the diseases at issue in these cases; (2) evidence of experiments conducted by William Longo and his company Materials Analytical Services that are related to asbestos exposure; and (3) expert testimony from Barry Castleman. Defendant argues that all of this evidence is inadmissible under Fed. R. Evid. 702 and Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993), because it is unreliable. (In case no. 99-cv-475-bbc, defendant has filed a motion to enforce a settlement agreement. Dkt. #46. I will address that motion in a separate order.)

The deadline for responding to these motions in both cases passed approximately one month ago, but plaintiffs have yet to file any opposition materials. Accordingly, IT IS ORDERED that defendants’ motions (dkt. ##27, 32 and 40 in case no. 99-cv-475-bbc and dkt. ##26, 31 and 39 in case no. 05-cv-219-bbc) are GRANTED as unopposed. Bonte v. United States Bank, N.A., 624 F.3d 461, 466 (7th Cir. 2010) (“Failure to respond to an argument . . . results in waiver.”).

Entered this 13th day of February, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge